

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR
PERMIT NO. 65-23493 AND
APPLICATION FOR TRANSFER NO.
78252 IN THE NAME OF ALLEN RANCH
LLLP

**NOTICE OF PROPOSED
DEFAULT ORDER**

On October 3, 2013, the Idaho Department of Water Resources ("Department") served all parties to this matter, including West Mountain Properties LLC, a *Notice of Hearing and Pre-Hearing Order*. The notice included a certificate of mailing showing the parties were duly served. The notice scheduled a hearing to commence at 9:30 a.m. on Tuesday, December 10, 2013, at the Department's state office, Idaho Water Center, 322 E. Front St., Boise, Idaho.

On Tuesday, December 10, 2013, and Wednesday, December 11, 2013, the Department's hearing officer conducted a hearing in connection with the protests filed against application for permit no. 65-23493 and application for transfer no. 78252. Protestant West Mountain Properties LLC did not appear at the hearing on December 10, 2013, or on December 11, 2013.

PROPOSED DEFAULT ORDER

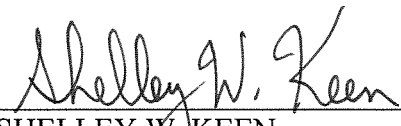
Pursuant to Rule 700 of the Department's Rules of Procedure (IDAPA 37.01.01.700), the Department hereby notifies West Mountain Properties LLC that the following default order is proposed to be issued because of its failure to appear at the time and place set for hearing:

West Mountain Properties LLC is in default and its protest is **DISMISSED** and will not be further considered by the Department in the above captioned matter.

RIGHT TO CHALLENGE

Pursuant to Rule 701 of the Department's Rules of Procedure (IDAPA 30.01.01.701), West Mountain Properties LLC has seven (7) days after the service of this Notice of Proposed Default Order to file a written petition requesting that a default order not be entered. The petition must state the grounds why the petitioning party believes that default should not be entered.

Dated this 12th day of December, 2013.



SHELLEY W. KEEN
Hearing Officer

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR
PERMIT NO. 65-23493 AND
APPLICATION FOR TRANSFER NO.
78252 IN THE NAME OF ALLEN RANCH
LLLP

**NOTICE OF PROPOSED
DEFAULT ORDER**

On October 3, 2013, the Idaho Department of Water Resources (“Department”) served all parties to this matter, including West Mountain Water Association Inc., a *Notice of Hearing and Pre-Hearing Order*. The notice included a certificate of mailing showing the parties were duly served. The notice scheduled a hearing to commence at 9:30 a.m. on Tuesday, December 10, 2013, at the Department’s state office, Idaho Water Center, 322 E. Front St., Boise, Idaho.

On December 4, 2013, the Department notified Protestant West Mountain Water Association Inc. in writing that it must be represented by a licensed attorney at the hearing.

[A] business entity, such as a corporation, limited liability company, or partnership, must be represented by a licensed attorney before an administrative body or a judicial body. *Indian Springs LLC v. Indian Springs Land Inv., LLC*, 147 Idaho 737, 744-45, 215 P.3d 457, 464-65 (2009).

On Tuesday, December 10, 2013, and Wednesday, December 11, 2013, the Department’s hearing officer conducted a hearing in connection with the protests filed against application for permit no. 65-23493 and application for transfer no. 78252. Protestant West Mountain Water Association Inc. did not appear as instructed because it was not represented by a licensed attorney at the hearing on December 10, 2013, or on December 11, 2013.

PROPOSED DEFAULT ORDER

Pursuant to Rule 700 of the Department’s Rules of Procedure (IDAPA 37.01.01.700), the Department hereby notifies West Mountain Water Association Inc. that the following default order is proposed to be issued because of its failure to appear at the time and place set for hearing:

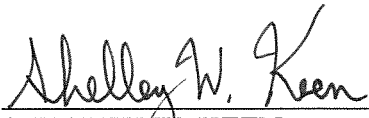
West Mountain Water Association Inc. is in default and its protest is **DISMISSED** and will not be further considered by the Department in the above captioned matter.

RIGHT TO CHALLENGE

Pursuant to Rule 701 of the Department’s Rules of Procedure (IDAPA 30.01.01.701), West Mountain Water Association Inc. has seven (7) days after the service of this Notice of

Proposed Default Order to file a written petition requesting that a default order not be entered. The petition must state the grounds why the petitioning party believes that default should not be entered.

Dated this 12th day of December, 2013.



SHELLEY W. KEEN
Hearing Officer

CERTIFICATE OF SERVICE

I hereby certify that on December 13, 2013, I mailed a true and correct copy, postage prepaid, of the foregoing NOTICE OF PROPOSED DEFAULT ORDERS to the person(s) listed below:

RE: Transfer No. 78252 65-3111X
Application for Permit 65-23493

SANDRA CHESS
1200 LIZASO AVE
BOISE ID 83709

JIM BUNCE
C/O HAVASU RV RESORT
1905 VICTORIA FARMS RD 350
LAKE HAVASU AZ 86404

WEST MOUNTAIN WATER ASSOCIATION INC
C/O SANDRA CHESS
1200 LIZASO AVE
BOISE ID 83709

WEST MOUNTAIN PROPERTIES LLC
C/O DWIGHT JIVIDEN
413 CABARTON RD
CASCADE ID 83611

CRIS & RANDY MCCLINTICK
PO BOX 7
OROVADA NV 89425

BRUCE SMITH
MOORE SMITH BUXTON & TURCKE CHTD
950 W BANNOCK STE 520
BOISE ID 83702

ALLEN RANCH LLP
2624 S INGLENOOK PLACE
MERIDIAN ID 83642

GARY HENKEL
9109 W BURNETT DR
BOISE ID 83709

A handwritten signature in cursive script, reading "Jean Hersley", is written over a horizontal line.

Jean Hersley

Technical Records Specialist II